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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/324,459 | 06/02/1999 | JOHN HENITS | 8740-031-999 | 1565 |

20583 7590 12/18/2002

PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

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| EXAMINER |
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TIEU, BENNY QUOC

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2642

DATE MAILED: 12/18/2002

#20

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|---|-----------------|--------------|
|  Office Action Summary | Application No. | Applicant(s) |
| | 09/324,459 | HENITS, JOHN |
| Examiner | Art Unit | |
| Benny Q. Tieu | 2642 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 September 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28,35,36,38-51,54 and 55 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-28,35,36,38-51,54 and 55 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-1449) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Examination (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>19</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-28, 35, 36, 38-51, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Swift (U.S. Patent No. 5,625,890).

Regarding claims 1-28, 35, 36, 38-51, 54 and 55, Swift teaches a logging recorder system for trunking radio including a telecom stage, a recorder stage and a distribution stage wherein at least two stages are physically separable and in operation can be located wide distance apart (column 2, lines 25-61).

4. Claims 1-28, 35, 36, 38-51, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by NICE, “Disk-Based Audio Storage/Retrieval Systems-DSN-1000”.

Art Unit: 2642

Regarding claims 1-28, 35, 36, 38-51, 54 and 55, NICE teaches DSN-1000 which provides literally thousands of hours of fully managed, disk-based voice storage (recorder stage) and retrieval (distribution stage) simultaneously processing numerous input and output ports.

5. Claims 1-28, 35, 36, 38-51, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Eyretel, Ltd, "Digital Interfacing".

Regarding claims 1-28, 35, 36, 38-51, 54 and 55, Eyretel, Ltd teaches a digital voice recording logging recorders (recorder stage) including a digital interfacing (distribution stage) with a lot benefits as described in two pages.

6. Claims 1-28, 35, 36, 38-51, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Recal Recorders, Inc., "Recal Adds Remote 'Replay Over LAN' to Wordnet Voice-Logging Recorder," June 1996.

Regarding claims 1-28, 35, 36, 38-51, 54 and 55, Recal teaches record (recorder stage) and replay (distribution stage) system are physically separated since the system uses an Ethernet link to control the recorder for remote replay.

7. Claims 1-28, 35, 36, 38-51, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Eyretel, Ltd., "Networking" brochure.

Regarding claims 1-28, 35, 36, 38-51, 54 and 55, Eyretel teaches digital voice recorders operate independently from the network which means that the recorders are physically separated from the distribution stage.

Conclusion

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)

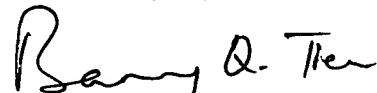
2121 Crystal Drive

Arlington, VA 22202.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Benny Q. Tieu

Examiner

Art Unit 2642

BQT

December 9, 2002